

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

COLOGIX COL5, LLC,

Plaintiff,

v.

655 DEARBORN PARK LANE, LLC,

Defendant.

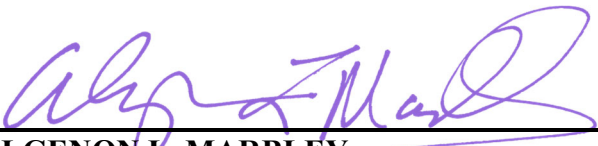
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: **Case No. 2:22-cv-4280**
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: **JUDGE ALGENON L. MARBLEY**
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: **Magistrate Judge Jolson**
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ORDER

This matter comes before this Court on the current stay in this case. On April 19, 2024, this Court, *sua sponte*, entered an order staying this case upon receiving Defendant 655 Dearborn Park Lane, LLC's, Notice of Appeal to the United States Court of Appeals for the Sixth Circuit. (ECF No. 34). Defendant appealed this Court's Opinion and Order granting Plaintiff Cologix Col5, LLC's Motion for Judgment on the Pleadings (the "Opinion & Order"). (ECF No. 28). On December 13, 2024, the Sixth Circuit Court of Appeals issued an opinion and ordered that this Court vacate the Opinion & Order. (ECF No. 38). This case was then remanded for further proceedings consistent with the Sixth Circuit's opinion. (*Id.*). Defendants have begun filing motions, including a Motion for Summary Judgment. (ECF No. 42).

As such, this Court finds it prudent to lift the stay. The Opinion & Order is hereby **VACATED** and Plaintiff's Motion for Attorney's Fees is **DENIED as moot**. Parties shall continue to file any further motions, opposing memoranda, and reply memoranda within the time and in the manner required by local rules. *See* S.D. Ohio Civ. R. 7.2, 7.3.

IT IS SO ORDERED.



ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE

DATED: February 27, 2025